IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15607 of 2004

Between:

Mohammed Yousufuddin, S/o.Mohammed Arifuddin,
Occ: Process Developer, R/o.H.No.17-2-1198/26/A, Jawaharpura,
Wahed Colony, Yakutpura, Hyderabad.

..... PETITIONER

AND

The Passport officer, Regional passport office, Near Clock Tower,
Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ order or direction declaring the action of the respondent authority in not receiving the fresh application dated 25-8-2004 of the petitioner for the correction of the date of birth as 27-9-1974 instead of 27-9-1971 in his passport and thereby renewing the same, as illegal, null and void consequently directing the respondent authority to receive the fresh application of the petitioner as per rules and to issue the passport in favour of the petitioner by correcting his date of birth in his passport as 27-9-1974 in stead of 27.09.1971.

Counsel for the Petitioner: MR.K.VENUMADHAV

Counsel for the Respondent: MR.A.RAJASHEKAR REDDY (SC for CG)

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and also the learned Standing Counsel for Central Government appearing on behalf of the respondent.

The petitioner obtained passport bearing No.N553060 dated 11.02.1993 wherein his date of birth was wrongly recorded as 27.09.1971 instead of 27.09.1974. Hence, he approached the respondent authorities for correction of date of birth, but the authorities informed him that once an entry is made in the passport it cannot be corrected and he has to obtain fresh passport. In view of the same, he invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution.

Learned Standing Counsel for the Central Government produced a circular No.VI/401/2/5/2001 dated 18.04.2001 issued by the Ministry of External affairs (PV-I Section) wherein certain guidelines were issued to the passport authorities for effecting change of date of birth / place of birth etc.

In view of the same, the petitioner is permitted to make an application seeking change of date of birth in the passport dated 11.02.1993 and on making such application, the respondent is hereby directed to receive the application of the petitioner and consider his case in the light of the Circular issued by the Ministry of External Affairs dated 18.04.2001 within a period of one month from the date of filing

such application.

The writ petition is accordingly disposed of. No costs.

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A.Gopal Reddy, J

Date: 01.09.2004

Note: Furnish CC in 3 days

B/o

va/ghn

To

1. The Passport officer, Regional passport office, Near Clock Tower, Secunderabad.

2 Two CD Copies